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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: IN RE APPLICATION OF THP CAPSTAR :
: ACQUISITION CORP. (now known as DMX). :
:

09 Civ. 7069 (DLC)

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: Related to :
:

ORDER

UNITED STATES OF AMERICA, :
Plaintiff :
v. :
:

41 Civ. 1395 (DLC)

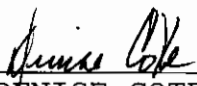
AMERICAN SOCIETY OF COMPOSERS, AUTHORS, :
AND PUBLISHERS, :
Defendant. :
: X

DENISE COTE, District Judge:

Having received notice in the parties' pretrial submissions that ASCAP has reserved the right to call third-party witnesses Philip Cialdella, Jonas Kant, and Brian Roberts live at trial, it is hereby

ORDERED that ASCAP shall declare by **October 15, 2010** whether it intends to call these witnesses live at trial or to present their evidence through deposition testimony.

Dated: New York, New York
September 15, 2010



DENISE COTE
United States District Judge